

PALM BEACH COUNTY LIBRARY SYSTEM
GOVERNMENT DOCUMENTS

ORDINANCE NO. 2010 - 012

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **BELVEDERE COMMERCE CENTER (SCA 2010-004)**; MODIFYING PAGE **63** BY CHANGING A **8.13** ACRES PARCEL OF LAND LOCATED ON THE SOUTHEAST CORNER OF BELVEDERE ROAD AND SANSBURY'S WAY, FROM COMMERCIAL HIGH (CH) TO COMMERCIAL HIGH WITH AN UNDERLYING INDUSTRIAL (CH/ IND); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 12, 2010, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing
2 pursuant to Chapter 163, Part II, Florida Statutes, on April 22, 2010,
3 to review the recommendations of the Local Planning Agency and to
4 consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendment complies with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulation Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
12 **Element of the 1989 Comprehensive Plan**

13 The following amendment to the Future Land Use Element's Future
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 **A. Future Land Use Atlas page 63** is amended as follows:

16 **Application No.:** BELVEDERE COMMERCE CENTER (SCA 2010-004)

17 **Amendment:** Commercial High (CH) to Commercial High
18 with an underlying Industrial (CH/IND);

19 **General Location:** Southeast corner of Belvedere Road and
20 Sansbury's Way;

21 **Size:** Approximately 8.13 acres

22
23 **Part II. Repeal of Laws in Conflict**

24 All local laws and ordinances applying to the unincorporated area
25 of Palm Beach County in conflict with any provision of this ordinance
26 are hereby repealed to the extent of such conflict.

27 **Part III. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of
29 this Ordinance is for any reason held by the Court to be
30 unconstitutional, inoperative or void, such holding shall not affect
31 the remainder of this Ordinance.

32 **Part IV. Inclusion in the 1989 Comprehensive Plan**

33 The provisions of this Ordinance shall become and be made a part
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
35 Ordinance may be renumbered or relettered to accomplish such, and the
36 word "ordinance" may be changed to "section," "article," or any other
37 appropriate word.

1 **Part V. Effective Date**

2 This amendment shall not become effective until 31 days after
3 adoption. If challenged within 30 days after adoption, this amendment
4 shall not become effective until the state land planning agency or the
5 Administration Commission, respectively, issues a final order
6 determining the amendment is in compliance.

7 **APPROVED AND ADOPTED** by the Board of County Commissioners of
8 Palm Beach County, on the 22nd day of April, 2010.

9
10 ATTEST:
11 SHARON R. BOCK, CLERK
12 AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

13
14 By: *Quane Brown*
15 Deputy Clerk

Shelley Vana for
Burt Aaronson, Chair
Shelly Vana

16
17
18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

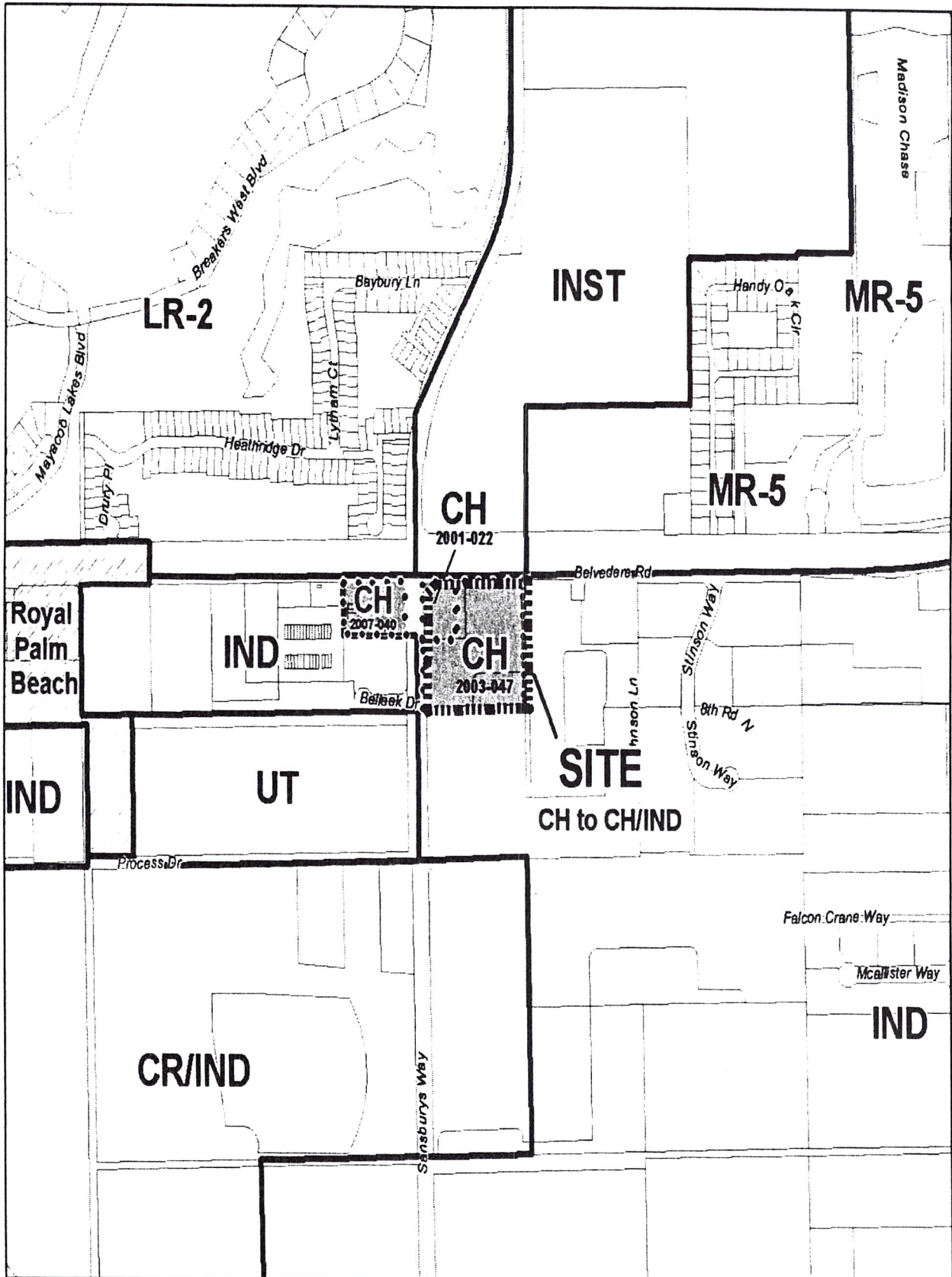
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21 *[Signature]*
22 COUNTY ATTORNEY

23 Filed with the Department of State on the 29th day
24 of April, 2010.

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EXHIBIT 1

Amendment No.: Belvedere Commerce Center (SCA 2010-004)
FLUA Page No.: 63
Amendment: CH to CH/IND
Location: Southeast corner of Belvedere Road and Sansbury's Way
Size: 8.13 acres
Property No.: 00-42-43-32-09-001-0000; 00-42-43-32-09-002-0000;
00-42-43-32-09-023-0000



Legal Description

PCN:

00-42-43-32-09-001-0000

00-42-43-32-09-002-0000

00-42-43-32-09-023-0000

LEGAL DESCRIPTION

ALL OF BELVEDERE COMMERCE CENTER M.U.P.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 106 AT PAGE 127, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 353,993 SQUARE FEET OR 8.1266 ACRES, MORE OR LESS.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT BELVEDERE COMMERCE CENTER, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND SHOWN HEREON, BEING A REPLAT OF A PORTION OF TRACT 4, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL LYING IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SHOWN HEREON AS BELVEDERE COMMERCE CENTER M.U.P.D., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 4, BLOCK 7, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 45. SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA LESS THE WEST 40 FEET THEREOF AND FURTHER LESS THE NORTH 70 FEET THEREOF. ALSO LESS THAT PORTION CONVEYED FOR RIGHT-OF-WAY BY INSTRUMENT RECORDED IN OFFICIAL RECORD BOOK 7355, PAGE 997, AND OFFICIAL RECORD BOOK 17418, PAGE 285 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH, THAT PORTION OF THE 30 FOOT WIDE UNIMPROVED PLATTED ROAD RIGHT-OF-WAY, LYING EAST OF SAID TRACT 4, BLOCK 7 ABANDONED BY PALM BEACHCOUNTY BY RESOLUTION R-99-2401 AS RECORDED IN OFFICIAL RECORD BOOK 11561, PAGE 1840 OF SAID PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 3, BLOCK 7, PALM BEACH FARMS CO. PLAT NO. 3, THENCE SOUTH 89°03'43" WEST, ALONG THE SOUTH LINE OF SAID TRACT 4, BLOCK 7 AND ITS EASTERLY EXTENSION, A DISTANCE OF 625.16 FEET; THENCE NORTH 00°56'57" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF SANSBURY'S WAY, AS RECORDED IN OFFICIAL RECORD BOOK 17418, PAGE 285 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 203.30 FEET; THENCE NORTH 12°32'43" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 51.43 FEET; THENCE NORTH 00°56'57" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 280.02 FEET; THENCE NORTH 44°02'17" EAST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 56.56 FEET, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BELVEDERE ROAD, AS RECORDED IN SAID OFFICIAL RECORD BOOK 17418, PAGE 285; THENCE NORTH 89°01'31" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 543.29 FEET; THENCE NORTH 00°56'17" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 12.13 FEET; THENCE NORTH 89°00'36" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST LINE OF THE AFOREMENTIONED TRACT 3, BLOCK 7; THENCE SOUTH 00°56'17" EAST, ALONG SAID WEST LINE, A DISTANCE OF 585.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 353,993 SQUARE FEET OR 8.13 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, County Comptroller
certify this to be a true and correct copy of the original
filed in my office on April 22, 2010

dated at West Palm Beach, FL on 5/4/10

By: Diane Brown

Deputy Clerk